

**EXHIBIT 7**



**APA FY 2009 – Editorial**

Please check one:

<input type="checkbox"/>	Self Appraisal
<input checked="" type="checkbox"/>	Performance Appraisal

<input checked="" type="checkbox"/>	Non - Managerial
<input type="checkbox"/>	Managerial (employees with supervisory responsibilities)

Employee Name:	Austin Fenner
Department:	Editorial
Position:	Senior Reporter
Date of Current Assignment:	May 2007
Supervisor:	Michelle Gotthelf
Date of Hire:	May 2007
Location:	1211

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NYP-FL000472



## APA FY 2009 – Editorial

As a guide, we have identified the following three key areas of competencies to assist in developing your APA: Quality of work, Approach to work and Management.

The samples below provide directional points for you to use in the profile for areas of achievement, areas for focus and the summary. Determine if these competencies are met successfully/over achieved, consistently, need improvement or do not meet standards.

### Quality of Work

1. **Accuracy** – spelling, checking facts, attributions
2. **Creativity** – inventiveness in writing skills, photography or art
3. **Writing Skills** – crafting of copy including sub-editing and copy handling
4. **Photographic Skills** – exposure, composition, lighting
5. **Artist Technical Skills** – art style, design, wraps, charts, diagrams

### Approach to Work

1. **Quantity of Work** – output, productivity, effort
2. **Teamwork** – commitment to working with others to produce the best product/contributes positively.
3. **Communication** – listening, informing and expressing clearly
4. **Knowledge** – has and applies general and specific job knowledge
5. **Initiative** – suggests ideas, finds own solutions, a self-starter
6. **Reliability** – meets deadlines, accepts responsibility, follows through
7. **Flexibility** – versatile, ability and readiness to accept changes

### Management (for Managers with direct reports)

1. **Performance Management** – provides constructive feedback, coaching, counseling, development
2. **Leadership** – sets clear direction, provides and shares information
3. **Problem solving and Decision making**
4. **Planning and effective organization** – establishes short/long term projects/goals; good use of resources.
5. **Cost Management** – fiscally responsible; manages budgets and process
6. **Relationship building** – establishes strong relationships internally throughout organization and externally.

# **NEW YORK POST**

## **APA FY 2009 - Editorial Profile**

### **Work History/Current Role:**

Austin joined the NY Post in May 2007 as a senior reporter. He was hired to cover general assignments and enterprise for the city desk. He currently reports to Michelle Gotthelf.

### **Professional Characteristics:**

Austin is pleasant to work with; however, he was hired as a senior reporter but continues to under perform at this level and is working as a street runner at best.

### **Overall Achievements:**

Very limited this year, but include: a story from the Miracle on the Hudson; getting an interview with a passenger pulled from the waters wearing just his underwear. And a story about Bishop Dolan arranging for a family to give up their handicapped son.

### **Areas for Focus/ Improvement:**

As discussed at the last APA, including a written warning, Austin was hired to be a senior reporter but was underperforming in his basic writing skills, lack of fact checking, lack of producing enterprise stories and not being able to discern the news line in a story. These areas have not improved. His writing continues to be terrible and he often has little knowledge of the subject matter he is covering, to the point where he is no longer asked to write his own stories. He seldom, if ever, pitches stories or calls in with ideas which is necessary as a senior reporter. Nearly every assignment he works on has been given to him by the city desk. This year he did not bring his work up to par, despite the discussions with management and warning, and he continues to work down as a running reporter vs. a senior reporter because he can't meet standards necessary to cut it in the newsroom.

### **Overall Performance Summary:**

Despite his prior warning, the time and assistance provided to him, Austin has not improved and is not achieving his job responsibilities.

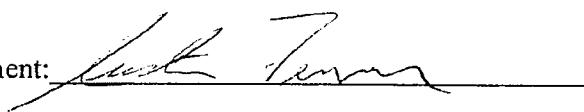
<b>Rating:</b>	1
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#### **Rating definitions:**

- 5 – Outstanding
- 4 – Exceeds Standards
- 3 – Meets Standards**
- 2 – Needs Improvement
- 1 – Unacceptable, Does Not Meet Standards

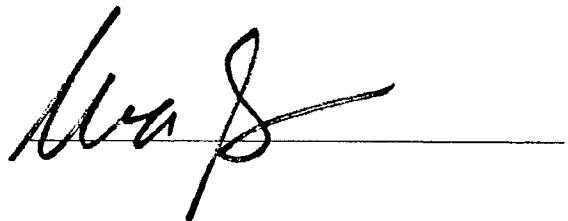
Editorial APA FY09

Employee Acknowledgment:



Date: 5/17/09

Manager Signature:



Date: 5/17/09

Employee Comments:

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## NEW YORK POST

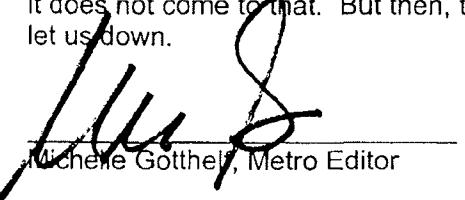
DATE: SEPT. 16, 2009  
TO: AUSTIN FENNER  
FROM: MICHELLE GOTTHELF  
CC: J. ANGELO, A. SCIALDONE  
RE: FINAL WRITTEN WARNING

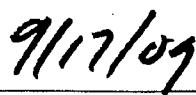
Austin, please consider this a last and Final Warning concerning your continued poor performance as a Senior Reporter.

As previously discussed with you on a number of occasions, we have repeatedly reviewed with you what the requirements of your job are, what we expect you to be able to produce for each of your assignments. Despite these discussions with you, your work continues to fail to meet the standards of your position and your department, the Editorial Department. Your Editors have discussed with you the following issues and been very patient with you, affording you with a year to improve your job performance, but yet you persist in your poor performance:

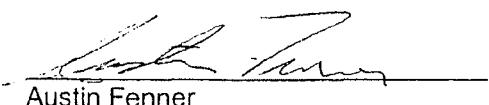
- You continue to exhibit poor basic writing skills
- You rarely pitch story ideas that make it into the newspaper and you do not appear to be focused on producing enterprise stories. Enterprise stories being a key part of your job, stories not assigned to you, developed from your own ideas.
- You continue to demonstrate that you are not able to discern what the news line is in a story (the important point or piece of information you were able to gather), which is critical to the overall news process.

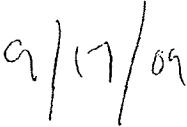
Working as a runner for someone with your experience and at your level as a senior reporter is simply unacceptable and cannot continue any longer. It is critical that we see an immediate and consistently sustained improvement in your job performance. We have outlined for you the areas in which you need to demonstrate improvement, yet you have failed to heed these warnings. This is your final warning. We want to see you succeed, but that is up to you, we cannot do it for you. If you fail to raise the level of your job performance to an acceptable standard, you will, regrettably, leave the Post with no choice but to terminate your employment at The New York Post. We certainly hope that it does not come to that. But then, this is something only you can control. Please do not let us down.

  
\_\_\_\_\_  
Michelle Gotthelf, Metro Editor

  
\_\_\_\_\_  
Date

The above memo has been reviewed with me.

  
\_\_\_\_\_  
Austin Fenner

  
\_\_\_\_\_  
Date

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